THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.20626 OF 2005

Dated 20-09-2005

Between:

D.Nageswar Rao, S/o.Sivaramakrishnaiah,

Security Head Guard, APSRTC,

Mangalagiri Bus Depot, Guntur.

…Petitioner

A N D

The APSRTC, rep. by its Vice Chairman &

Managing Director, Bus Bhavan, Hyderabad.

…Respondents

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.20626 OF 2005

ORDER:

The petitioner is employed as Security Head Guard at Mangalagiri Depot of A.P.S.R.T.C. Through order dated 09-09-2005, the 3rd respondent placed him under suspension, on the ground that he failed to make an entry into the relevant records, as to certain misconduct on the part of Mr.N.Guravaiah, a Security Guard of that Depot. The same is challenged in this writ petition.

Sri S.Sharath Kumar learned counsel for the petitioner submits that there is no allegation of misconduct against the petitioner, and in the absence of any complaint,

either from the woman referred to in the impugned order, or from any circular, there was no occasion for the petitioner to make any entry in the general diary.
He contends that the petitioner was placed under suspension for the alleged illegality and misconduct on the part of a Security Guard. He further submits that there is no basis for the respondents to place the petitioner under suspension.

Sri R. Manmadha Reddy, learned Standing Counsel for the respondents, on the other hand, submits that, what is impugned in this writ petition is only an order of suspension, and unless it is pointed out that it is without jurisdiction, the writ petition itself is not maintainable. He contends that the truth or otherwise of the allegations against the petitioner would come out only in the departmental enquiry by the respondents, and that no interference is called for.

A perusal of the impugned order discloses that the petitioner was placed under suspension on the allegation that he failed to make an entry in the general diary, or other connected records,
in relation to the misconduct on the part of a Security Guard
viz., Guravaiah. Except that, no acts or omissions on the part of the petitioner are pointed out. The question as to whether the petitioner was under obligation to make any entry, in relation to the said incident, in the given set of circumstances, or whether the omission to make such an entry, is so serious, as to warrant suspension or any disciplinary action; needs to be considered. The respondents have already issued a charge-sheet along with the order of suspension itself. The matter should not brook further delay. The petitioner can submit his explanation, and the further steps in the disciplinary enquiry can be concluded in a matter of few weeks. This Court is not inclined to interfere with the order of suspension, at this stage.

For the foregoing reasons, the writ petition is disposed of, directing the respondents to conclude the disciplinary proceedings against the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to mention that,
if the respondents rely upon any documents, in the disciplinary proceedings, copies of the same shall also be made available to the petitioner. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.20-09-2005.

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